

**MINUTES**  
**CONTRACTORS' EXAMINING BOARD REGULAR MEETING**  
Tuesday, **March 10, 2015**, 9:30 a.m.  
Marathon Government Center

1. Call to Order / Roll Call:  
Chairman Rudy Krause called the meeting to order at 9:39 A.M. Present were Mr. Steve Henson, Mr. Charlie Miller, Mrs. Peggy Bankester, Mr. Frank Toppino, and chairman with Mr. Centonze and Interim Building Official Wes Maltby absent.

Present with no roll call were Assistant County Attorney Steve Williams, Board Attorney Thomas Wright.

2. Agenda Changes:
  - a. Kenneth Aaron renewal of certificate of competency rescheduled to May 12<sup>th</sup> per his request due to a funeral.
3. Approval of Agenda:  
Motion made by Mr. Henson to approve agenda as amended and seconded by Mr. Toppino; no nays.
4. Approval of Minutes:
  - a. Regular Meeting:
    - i. January 13, 2015

Motion made by Mr. Henson to approve minutes as written and seconded by Mr. Toppino; no nays.

5. Next Meeting Date:
  - a. Regular Meeting: May 12, 2015
6. Swearing-in of Witnesses to Testify:  
Attorney Wright swore-in all of those testifying at today's meeting.
7. Chairman asked if "is there anyone from the public present who would like to speak on an agenda item?"  
No.
8. Chairman asked if "any board member been contacted outside the presence of this meeting regarding an agenda item? If so, to please disclose the nature of the contact? No.
9. New Business:
  - a. Application Review of the 2013-15 Renewal of Expired Certificates of Competencies
    - i. Jesus M. Fernandez SP 1784  
FL Coast to Coast Landscapes Development Agency, LLC.  
Landscaping Contractor

Mr. Fernandez addressed the board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mrs. Bankester; no nays.

- ii. Randal W. McCormick SP 3991  
McCormick Striping & Asphalt Maintenance, Inc.  
Pavement Painting Contractor

Mr. McCormick addressed the board regarding his expired certificate of competency. After discussion, motion was made by Mr. Henson recommending the renewal of the certificate of competency and renewal fee of \$150.00. Motion seconded by Mr. Toppino; no nays.

- iii. Charles W. Drawdy, Jr. SP 4156  
West Star Interiors, Inc.  
Drywall Contractor

Mr. Drawdy failed to appear before board. Item moved to May 12<sup>th</sup>.

*Note: B.O. Maltby arrived at 9:42 A.M.*

b. Code Compliance Cases:

- i. CE14100176 Notice of Appeal ***Continued from 01/13/15 meeting***  
Charles P. Dean  
Stanley Steemer  
MCC: 6-234.(a) Advertising without a certificate of competency  
Issued 12/29/14

Mr. Dean was present without legal representation to address the Board and contested the violation. Demetrius Roche present as a witness for Respondent. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits taken from all parties and entered into evidence with no objections, Inspector Bruno withdrew the air duct charge but kept the installation of flooring charge, motion was made Mr. Henson and seconded by Mrs. Bankester recommending finding Respondent IN violation as cited and deny appeal. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Miller and seconded by Mrs. Bankester recommending imposing only administrative costs of \$207.93 to be paid within 30 days or lien. Motion carried unanimously.

- ii. CE14120084 Notice to Appear  
James Trumble SP 2152  
Quality Screening & Enclosures, Inc.  
MCC: 6-202.(11)a Work without benefit of a permit  
MCC: 6-234.(c) No certificate of competency number in advertisement Issued

12/29/14

Mr. Trumble was present without legal representation to address the Board and did not contest the violations. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits was taken from all parties and entered into evidence with no objections,

MCC Sec 6-202.(11)a

motion was made Mr. Henson and seconded by Mr. Toppino recommending finding Respondent IN violation of 6-202.(11)a as cited. Motion carried unanimously, and

New Business / Code / Trumble continued:MCC Sec 6-234.(c)

motion was made Mrs. Bankester and seconded by Mr. Henson recommending finding Respondent IN violation of 6-234.(c) as cited. Motion carried unanimously.

Penalty Phase for MCC Sec 6-202.(11)a - Motion made by Mr. Krause and seconded by Mr. Toppino recommending maximum fine of \$5,000.00. After discussion, Mr. Krause *withdrew* his motion and second.

New motion made by Mr. Krause recommending maximum fine of \$5,000.00. However, fine will be automatically reduced to \$500.00 if contractor applies for after-the-fact permit, pays fees, get all final inspections, and closes permit by next CEB meeting scheduled for May 12, 2015, plus administrative costs of \$151.98, for a total of \$5,151.98, IF requirements are not met, or \$651.98, IF requirements are met. Mr. Henson seconded the motion with friendly amendment recommending fine and costs be paid within 60 days or lien; accepted.

Mr. Krause made an amendment stating if more time is needed to get, inspect, and/or close out permit, contractor must go before CEB to request an extension. Motion carried unanimously.

*Meeting recessed for a brief break at 10:46 A.M.*

*Meeting reconvened at 10:56 A.M.*

Penalty Phase for MCC Sec 6-234.(a) – Motion made by Mr. Miller recommending reconsidering guilty motion and vacating the finding of violation and Mrs. Bankester seconding motion. Motion carried unanimously.

Mr. Henson made a new motion recommending find Respondent NOT in violation of 6-234.(a), and Mrs. Bankester seconded motion. Motion carried unanimously.

iii. CE15010091      Notice of Appeal  
                             William Joseph Simko  
                             MCC: 6-77 No certificate of competency  
                             Issued 01/28/15

Mr. Simko was present without legal representation to address the board and contested the violation. Code Compliance Inspector Grant was present to address the County. After testimony, evidence, and exhibits taken from all parties and entered into evidence with no objections, motion was made by Mrs. Bankester recommending finding Respondent IN violation as cited and deny appeal. After discussion, motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending administrative costs of \$43.90 plus a fine of \$150.00, for total of \$193.90, to be paid within 30 days or lien. Mr. Henson amended his motion recommending only administrative costs of \$43.90 to be paid within 30 days or lien. Mrs. Bankester seconded motion. Motion carried unanimously.

*Note: B.O. Maltby left meeting at 11:00 A.M.*

New Business / Code continued:

- iv. CE14120085      Notice to Appear  
James Miller  
Lighthouse Landscapes  
MCC: 6-77 No certificate of competency  
MCC: 6-234.(a) Advertising without a certificate of competency  
MCC: 6-202.(3) Divert funds  
Issued 01/06/15

Mr. Miller was not present or represented by Counsel to address the board. Good service received at address of record. Affidavit Mail mailed 02/20/15 to address of record with County and not returned. Virginia Donaldson, property owner of where violation occurred, present as witness for County. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits taken from all parties and entered into evidence with no objections,

Regarding MCC Sec 6-77 - Motion made by Mr. Miller recommending finding Respondent IN violation as cited, and seconded by Mr. Henson. Motion carried unanimously.

Regarding MCC Sec 6-234.(a) - Motion made by Mr. Henson recommending finding Respondent IN violation as cited, and seconded by Mrs. Bankester. Motion carried unanimously.

Regarding MCC Sec 6-202.(3) - Motion made by Mr. Miller recommending finding Respondent IN violation as cited, and seconded by Mrs. Bankester. Motion carried unanimously.

Penalty Phase for MCC 6-77 - Motion made by Mr. Miller recommending imposing maximum fine of \$1,000.00 plus administrative costs of \$267.18, for total of \$1,267.18, to be paid within 30 days or lien, and seconded by Mr. Toppino. Motion carried unanimously.

Penalty Phase for MCC 6-234.(a) - Motion made by Mrs. Bankester recommending imposing fine of \$1,000.00 to be paid within 30 days or lien, and seconded by Mr. Henson. After discussion, motion carried unanimously.

Penalty Phase for MCC 6-202.(3) - Motion made by Mr. Henson recommending imposing fine of \$1,000.00 to be paid within 30 days or lien, and seconded by Mrs. Bankester. After discussion, motion carried unanimously.

- v. CE15010014      Notice of Appeal  
Daniel Brian Fernandez  
MCC: 6-77 No certificate of competency  
MCC: 6-234.(a) Advertising without a certificate of competency  
Issued 01/06/2015

Mr. Fernandez was present without legal representation to address the board and contested the violations. And advised his legal name is Brian Daniel Fernandez. Correction noted. Code Compliance Inspector Bruno was present to address the County. After testimony, evidence, and exhibits taken from all parties and entered into evidence with no objections,

Regarding MCC Sec 6-77 -  
Motion was made by Mr. Henson recommending finding Respondent NOT in violation as cited

New Business / Code / CE15010014 Fernandez continued:

and appeal granted. Motion seconded by Mr. Miller. After discussion, motion carried unanimously.

Regarding MCC Sec 6-234.(a) -

Motion made by Mr. Henson recommending finding Respondent IN violation as cited and deny appeal, and seconded by Mrs. Bankester. Motion carried unanimously.

Penalty Phase – Motion made by Mr. Henson recommending imposing a fine of \$500.00 plus administrative costs of \$223.98, for total of \$723.98, to be paid within 30 days or lien, and seconded by Mr. Miller. After discussion, Roll Call: NO- Mrs. Bankester and Mr. Toppino, YES – Mr. Krause, Mr. Henson, and Mr. Miller. Motion passes 3-2.

New motion made by Mr. Henson giving Respondent an additional 30 days to pay or lien, and seconded by Mr. Miller. Motion carried unanimously.

c. Executed Stipulation Agreements – Informational Purposes:

- i. CE14110058 Raymond Goodrich Blydenburgh
- ii. CE15010054 Theodore Andrew Muir
- iii. CE14100073 James Dennis Hayden, Sr.

d. Motion for Imposition of Fines & Costs / Lien Request for Non-Payment of Citation:

Motion made by Mr. Henson recommending the approval of the imposition of fines and liens including administrative costs and filing fees of CE14120071, CE14120047, and CE15010020, and seconded by Mrs. Bankester. Motion carried unanimously.

e. Re-election of CEB/CBAA Members:

Motion made by Mr. Henson recommending the re-election of Charles E. Miller, CGC023830, Second Alternate, term ending 03/21/2015 and Daryle L. Osborn, 27428, Professional Engineer, term ending 05/08/2015 to one additional three-year term to the CEB and CBAA to the BOCC, and seconded by Mr. Toppino; no nays.

## 10. Old Business

CURRENT: Mr. Krause addressed the board regarding Items A and B and stated he would like to know if we could open the members to other categories (ex. roofing/swimming pool contractors) or move to have three (3) or five (5) members. Attorney Williams stated items are pending and passed out all the proposed amendments of 6-240.(b), 6-263, 6-198, 6-32, text amendment of 6-237.(1)(a), and adding F.S. 489.127.(5)(f) Penalty. The board was instructed to take the proposed amendments home, review them, and bring back at the May 12<sup>th</sup> Meeting. Attorney Williams stated that Section 7 F.S. 489.127.(5)(f) Penalties is new to our code and not an amendment, so the new Section will be 6-201.(E)(2).

Mr. Krause advised that he is currently working with the SAO to see how they can get involved. Mr. Krause, Attorney Williams, Inspector Bruno and possibly Attorney Wright will be meeting with SAO. Mr. Krause stated he will work with the SAO and allow them to use his property for stings. Attorney Wright advised to be careful and that he would not be able to sit on a case brought forward by SAO resulting from the sting.

Old Business continued:

a. 12/09/14

i. Contractors' Examining Board

1. Vacant, 11/12/2014 Registered Electrical Contractor Expires: 10/17/2015

2. Vacant, 11/20/2014 Layperson Expires: 05/01/2017

b. 03/11/2014

i. Contractors' Examining Board

1. Vacant, 3/11/14 Master Mechanical Card Expires: 6/15/14

2. Vacant, 4/21/14 Layperson Expires: 6/15/14

CEB approved to advertise both positions at the 5/13/14 meeting.

## 11. New Business Continued:

a. Construction Trades Application Review of Verification of Construction Experience

i. Gelly Juvier / New Application / Landscaping –Approved by Mr. Henson

ii. Charles Todd Sprague / New Application / Drywall – Approved by Mrs. Bankester

iii. Daniel Ryan Ethridge / New Application / Insulation – Approved by Mr. Krause

iv. Craig Robert Cross / New Application / Painting and Decorating – Approved by Mr. Krause

*Note: Mr. Toppino, Attorney Williams, Attorney Wright left the meeting at 12:38 P.M.*

## 12. Meeting adjourned at 12:39 P.M.

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Odalys Mayan  
Contractor Licensing Coordinator  
Contractors' Examining Board Liaison

APPROVED by the Contractors Examining Board of Monroe County, Florida, at a regular meeting held on

12th day of May, 2015 [ X ] "as submitted" or [        ] "as amended."

To request a copy of this or any hearing, please visit <http://fl-monroecounty.civicplus.com/index.aspx?nid=121>  
webpage and chose Duplicate Request Form, or click on <http://fl-monroecounty.civicplus.com/forms.aspx?FID=79>